

district court a libel praying seizure and condemnation of nine cases of peanut butter at Norristown, Pa., alleging that the article had been shipped in interstate commerce, on or about September 27, 1933, by the Williamson Candy Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Monogram Brand Peanut Butter."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the following statements appearing on the jar label and in a circular were false and misleading: (Jar) "Vitaminized Contains 250 units Vitamin D Per Pound"; (circular) "The guarantee of 250 units in each pound of our product is assured by careful laboratory tests each month and these tests are subject to investigation by the Government and accepted by them. * * * Vitaminized Contains 250 Units Vitamin D Per Pound * * * Vitamin D * * * builds straight fine bodies and good teeth. The ordinary diet contains enough Vitamins * * * but Vitamin D, the sunshine vitamin, is not present in ordinary foods. * * * Three teaspoonfuls of our peanut butter contains as much Vitamin D as one teaspoon of cod liver oil."

On May 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22502. Misbranding of canned cherries. U. S. v. 91 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. no. 32077. Sample no. 61553-A.)

This case involved a shipment of substandard canned cherries which were not properly labeled.

On March 3, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 cases of canned cherries at Amarillo, Tex., alleging that the article had been shipped in interstate commerce, on or about January 11, 1931 (1934), by the Green Bay Food Co., from Green Bay, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Interurban Pitted Red Cherries the J. M. Paver Co., Main Office Chicago."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because the liquid portion read below 16° Brix, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 10, 1934, the Carlton-Florey Grocery Co., Inc., Amarillo, Tex., claimant, having admitted that the product was misbranded and having executed a bond in the sum of \$200, conditioned that the label would be corrected to meet the requirements of this Department, judgment was entered ordering that the product be released, and that claimant pay costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

22503. Adulteration and misbranding of confectionery. U. S. v. 18 Dozen Boxes of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32237. Sample no. 51679-A.)

This case involved a shipment of confectionery consisting of a chocolate-covered cream center containing a glace cherry and sirup. The cream center and cherry were artificially colored and flavored and contained benzoate of soda.

On March 5, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 dozen boxes of confectionery at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, by the Sphinx Chocolate Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sphinx Cordial Cherries."

It was alleged in the libel that the article was adulterated in that artificially flavored and colored cherries containing benzoate of soda had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Cordial Cherries", was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing undeclared added benzoate of soda and artificial color and flavor.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22504. Misbranding of salad oil. U. S. v. 23 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32245. Sample no. 67413-A.)

This case involved a shipment of a product consisting principally of cottonseed oil, the label of which created a false impression through the prominence given to the statement, "Pure Olive Oil", which impression was not corrected by the declaration that the remainder of the product was vegetable oil, since olive oil is a vegetable oil. Sample cans taken from the shipment were found to contain less than 1 gallon, the labeled volume.

On March 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about January 16, 1934, by Gerald-Dorman, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can, main panel) "Oil Red Star Olio Finissimo Per Insalata Vegetable Oil 85% Colored and Flavored with 15% Pure Olive Oil Packed by Gerald-Dorman, Inc. Contents one gallon net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Olio Finissimo Per Insalata Vegetable Oil 85% Colored and Flavored with 15%", followed by the very prominent statement "Pure Olive Oil" was false and misleading and deceived and misled the purchaser when applied to an article consisting chiefly of cottonseed oil; for the further reason that since olive oil is a vegetable oil, the expression "Vegetable Oil 85%" on the label did not set forth the presence of an oil other than olive; for the further reason that the statement, "Contents one gallon net", was false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22505. Adulteration of apple butter. U. S. v. 150 Cartons of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32272. Sample no. 66951-A.)

This case involved a shipment of apple butter that contained arsenic and lead in an amount that might have rendered it injurious to health.

On March 9, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cartons of apple butter at Orange, N. J., alleging that the article had been shipped in interstate commerce, on or about September 30, 1933, by the American Stores Co., from Hurlock, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Glenwood Brand Apple Butter * * * Distributed by American Stores Company, Phila., Pa."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*